CLOSED

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

United States of America, Plaintiff, vs. Jesus Martin-Nava, Defendant.	)	07-10752M-SD **DISMISSAL ORDER**

After considering the Government's oral motion to dismiss all charges based on new charges having been filed in the District of Arizona and there being no objection by defense counsel;

IT IS ORDERED that the charges in this case are dismissed without prejudice and the case is closed.

DATED this 15th day of November, 2007.

Jay R. Irwin
United States Magistrate Judge

cc: USM/PTS/BP/FPD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA - Yuma

MAGISTRATE JUDGE'S MINUTES

DATE: 11/13/2007 CASE NUMBER: 07-10752-001M-SD

PLEA/SENTENCING MINUTES

USA vs. Jesus Martin-Nava

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney ______________________ INTERPRETER REQ'D Ricardo Gonzalez
LANGUAGE: Spanish

Attorney for Defendant Brenda Sandoval (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 11/13/07 ☒ Complaint Filed ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ No Financial Afdvt taken ☐ Financial Afdvt sealed
☒ Initial Appearance

DETENTION HEARING: ☒ Held ☐ Cont'd ☐ Reset ☐ UA
Set for: before:

☒ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at $__________
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☒ Held ☐ Cont'd ☐ Reset
Set for: before:

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed ______________ ☐ Complaint filed ______________
☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts TWO
☐ Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
☒ Plea of Guilty entered as to Ct(s) TWO of the ☐ Information ☐ Indictment ☒ Complaint
☐ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐Lodged ☐ Filed ☐ Sealed
☒ Court does not accept defendant's plea of guilty because of Statute of Limitation issues.
☐ PSI ORDERED ☐ EXPEDITED ☐ PSI waived ☐ Time waived for passage of sentence
☐ Continued for sentence to __ before ______________
☐ To be dismissed upon entry of the judgment, Ct(s) ____
☐ ORDER vacate trial date/motion hearing/mtns moot
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

SENTENCING:

☐ Defendant committed to Bureau of Prisons for a period of___ ☐ Probation/Supervised Release for __________
☐ Special Assessment $_______ ☐ Fine $_______ ☐ Restitution $_________

Other: On the Court's own Motion, this matter is continued to 11/14/07 at 1:00 p.m. The Government is ordered to investigate the statute of limitations has it pertains to Count II of the Complaint. Defense counsel has no objection.

RECORDED: CS (4 MIN)
BY: Jocelyn M. Arviso, Deputy Clerk

11/13

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
V.
Jesus MARTIN-Nava
Citizen of Mexico
YOB: 1981
A88 361 507
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 07-10752M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about November 12, 2007, within the District of Arizona, Defendant(s) Jesus MARTIN-Nava, knowing or in reckless disregard of the fact that certain alien(s), GARCIA-Acosta, Sergio, had come to, entered, or remained in the United States in violation of law, did conceal, harbor, or shield from detection said alien(s) in furtherance of such violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii)(Felony).

COUNT II

That on or about October 22, 2002, within the Southern District of California, Defendant Jesus MARTIN-Nava, an alien, did enter the United States at a Designated Port of Entry by willfully false and misleading representations and the willful concealment of material facts, a misdemeanor, in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Nicholas Francescutti
Signature of Complainant
Nicholas Francescutti
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

November 13, 2007 at Yuma, Arizona
Date City and State

Jay R. Irwin, U.S. Magistrate
Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Jesus MARTIN-Nava

Dependents: None

IMMIGRATION HISTORY: The Defendant is an illegal alien. The Defendant has been apprehended by the Border Patrol on two (2) prior occasions.

CRIMINAL HISTORY: None found.

Narrative: The Defendant, an illegal alien, was encountered by Yuma Border Patrol agents near San Luis, Arizona.

Upon questioning the defendant admitted that he had made arrangements to aid the Mexican nationals, which he knew to be undocumented aliens, to further their illegal entry into the United States.

During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

On November 12, 2007, the Yuma, Arizona Sector IMPACT Unit was working a plain clothes operation in San Luis, Arizona. At approximately 2130 hours, Yuma Sector Camera Operators witnessed a group of four individuals cross the international border of the United States and Mexico near the Sanchez Canal in San Luis, Arizona.

Border Patrol Agent J. Fuentes followed the same group into a housing development. Agent Fuentes disguised himself among the group, and waited with them in the bushes in front of a house on Merrill Avenue. An individual, later identified as MARTIN-Nava, Jesus, approached Agent Fuentes, and told him that someone would pick them up in approximately 15 minutes. Approximately 30 minutes later, a white Ford Explorer pulled up, and all four illegal aliens loaded into the vehicle.

The IMPACT Unit, along with Agent Fuentes knocked on the front door of the house where MARTIN-Nava had earlier exited and approached Agent Fuentes. Supervisory Border Patrol Agent Belen asked the woman if they could search the house for illegal aliens. The woman at the door consented. During the search of the house, Agents found MARTIN-Nava, Jesus. MARTIN-Nava stated that he was a citizen of Mexico, not in possession of immigration documents. Agent Fuentes positively identified MARTIN-Nava as the individual that exited the house, and told him a vehicle would pick them up. MARTIN-Nava was then placed under arrest and transported to the Yuma, Arizona Station for processing.

At the Station, MARTIN stated that he had received a call earlier in the night from a man named Jesus (AKA El Cocas). Jesus was calling MARTIN from San Luis Rio Colorado, Sonora, Mexico to let him know that a group of four illegal aliens were going to his house. MARTIN stated that after he spoke with Jesus, he walked outside of his house to look for the illegal aliens. Martin saw Agent Fuentes hiding in the trees next to his front lawn. MARTIN approached him and stated that someone was going to pick them up in twenty (20) minutes. MARTIN also stated that he walked outside of his house on a second occasion to tell the illegal aliens that a white Ford Explorer was going to be the vehicle picking them up.

MARTIN also claimed that he had last entered into the United States on October 22, 2002 through the Calexico Port of Entry by making a false claim to United States Citizenship.

Charges:	8 USC§1324	(Felony)
	8 USC§1325	(Misdemeanor)

Nicholas Lancellotti [signature]
Signature of Complainant

Sworn to before me and subscribed in my presence,

November 13, 2007
Date

Signature of Judicial Officer